

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of)
GMW Fire Protection, Inc., an Alaska)
Corporation,)

Plaintiff,)

vs.)

KANAG'IQ CONSTRUCTION CO.,)
INC., an Alaska Corporation and)
WESTERN SURETY COMPANY, a)
South Dakota Corporation,)

Defendants.)

Case No. A05-170 Civil (TMB)

**MOTION FOR RECONSIDERATION, MOTION TO CHANGE TRIAL DATE
OR, IN THE ALTERNATIVE, MOTION FOR TRIAL SETTING CONFERENCE**

Pursuant to United States District Court Local Rule 59.1, Defendants KANAG'IQ CONSTRUCTION CO., INC. and WESTERN SURETY COMPANY, by and through their attorneys, Eide & Gingras, P.C., request that the Court reconsider the scheduled trial date of December 11, 2007, and move it to one of the dates proposed below. In the alternative, Defendants move to change trial date or for a trial setting conference. This motion is accompanied by a Motion for Shortened Time and Affidavit of Counsel.

In the Notice of Mutually Proposed Trial Dates filed on September 5, 2007, the parties indicated that the only week in the Court's proposed time frame during which defense counsel is available for trial in this matter is the week of November 5, 2007.

1 Perhaps through some miscommunication, the trial in this matter was nonetheless set for
2 the week of December 11, 2007. Defense counsel is not available the week of December
3 11, 2007. The trial in state court is scheduled for four weeks, starting November 26,
4 2007. That trial involves a complex case that has been litigated for several years and has
5 virtually no possibility of settling. Defendants have nine experts who are scheduled to
6 testify, as well as sixty-three witnesses excluding experts. Collectively, the parties have
7 seventeen experts and over two hundred witnesses who are expected to testify. Travel
8 arrangements have already been made for experts coming from outside Alaska. See
9 Affidavit of Counsel attached to Motion for Shortened Time.
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11 Defendants propose the following five dates for a five-day trial in this matter,
12 based on their counsel's trial calendar in other matters pending in state court:
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- 14 (1) The week of January 07, 2008;
- 15 (2) The week of January 14, 2008;
- 16 (3) The week of January 21, 2008;
- 17 (4) The week of January 28, 2008; and
- 18 (5) The week of February 04, 2008.

19 Defendants' counsel has communicated with Plaintiff's counsel about a proposed
20 change of trial date. Plaintiff's counsel has reserved the right to object to any of the
21 proposed trial dates, but she does not oppose the Motion for Shortened Time.
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Defendants respectfully request an Order from the Court changing the scheduled trial date of December 11, 2007, to one of the five trial dates proposed. In the alternative, Defendants request reconsideration of the September 25, 2007, Order setting the December 11, 2007, trial date or a trial setting conference as soon as possible to establish a new trial date.

DATED at Anchorage, Alaska this 2nd day of October 2007.

EIDE & GINGRAS, P.C.
Attorneys for Defendants
Kanag'iq Construction Co., Inc. and
Western Surety Company

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CERTIFICATE OF SERVICE

I am a legal secretary employed by the law firm of Eide & Gingras, P.C. That on this 2nd day of October 2007, I served

☒ Electronically

a true and accurate copy of the foregoing document upon the following counsel of record:

Sarah J. Tugman, Esq.
2509 Eide Street, Suite 4
Anchorage, AK 99503

EIDE & GINGRAS, P.C.

By: /s/Donna Charter

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